abjection, 20. See also Muslims, as abject others
abstinence, 151, 166, 167, 168, 193, 194
Acharya, M. K., 100, 136, 137, 167–68
Act XXIX (1925), 128, 138
Act XXVI (1937), 218
adolescence. See also development; puberty
brahmacharya as, 150–51, 154, 163, 164, 165, 177, 190–97, 200, 206, 219
as discrete stage of life, 191, 195–206
female development and, 143, 198
queer temporality and, 170
as universal, 207
adultery, 134, 174
age, 12–20. See also age-stratification; sex/age system
as abstract value, 17, 185
consummation of marriage and, 36, 44, 49, 97, 124, 129, 225, 239, 270
dentition as evidence of, 111–15, 291
development stages and, 207
digits of, 19, 73, 75, 91
documentation of, 117, 144, 269, 272–73
as embodied, 33, 35–51, 108–20
epistemic contract on, 19–20, 38, 59–71, 73, 104, 162, 251, 281–82, 287
evidence of, 108–20, 289–92
globalization of childhood and, 86
historicity of, 19–20, 65
as measure of human capacity, 280–82
medical evidence of, 38, 108–20, 148, 273
naturalization of, 16, 52, 170, 292
as paradigm of natural, 12, 68, 69
shastric stipulations on, 149–50
uncertainty of, 13, 91–95, 105, 132, 143–44, 289–92
x-rays used in determining, 109, 291
age differences in marriage, 223–26
laws against, 156–57
as unnatural and abnormal, 165
age of consent, 15. See also age of marriage; consent
age of puberty and, 48–49
boy protection and, 125
feminist scholarship on, 59–71
gender and, 128–38
global logic of, 126–27, 137
rise in, 32, 36–51, 138–39, 147
Age of Consent Act (1891), 10, 25, 262, 265
Mallikarjuna and, 230
law’s temporality and, 35–51, 60–71
Age of Consent Committee, 99, 118, 126, 129, 226–27, 228–33, 238–39, 249, 255
age of criminal responsibility, 14, 138, 145, 146, 147
age of discretion, 274–76, 279
age of majority, 35, 150, 151
in frontier provinces, 250
gender and, 56
legal capacity and, 15
puberty and, 272
sexual maturity and, 167
uniformity and, 52–59
age of marriage. See also age of consent; child marriage; marriage
boy protection and, 125
temporary debates on, 129
sexology and, 187–89
in United States, 290
age of marriage, minimum. See also Child Marriage Restraint Act (CMRA, 1929); Hindu Child Marriage Bill (1927)
amended in 1949, 21
boy protection and, 149
in Child Marriage Restraint Act, 12, 86–89
Index

312

age of marriage, minimum. (cont.)
CWC and, 80, 81–82
debates on, 95–104
in England, 42
in Hindu Child Marriage Bill, 7, 96
Hindu sexology and, 171
Muslim law and, 250
in Prohibition of Child Marriage Act, 22
puberty and, 46–51
in Special Marriage Act, 39
Vedic ethics and, 26
Age of Marriage Bill (Britain, 1929), 81
agency, 64, 88, 288
age-stratification, 144, 148, 170, 196, 222
legal personhood and, 69
in liberal sex/age system, 127–28
presumed as necessary, 65–71
rational self-conduct and, 18
sexology and, 187–89
Agnes, Flavia, 287–88
Ahmad, Iqbal, 277
Ahmad, M. Maswood, 279
Ahmad Husain v. Amir Bano, 277
Ahsan-Ullah, Nawab, 45, 230
Alarm Bell Arhat Ka Ghanta, 222
Alexina, Herculine. See Barbin, Abel
Ali, Maulana Mahomed, 217
Alimuddin, 217
All India Child Marriage Abolition
League, 103
All India Muslim Personal Law Board
(AIMPLB), 283–84, 286
All India Muslim Women's Personal Law
Board (AIMWPLB), 286
All India Women’s Conference (AIWC), 77, 103
All-India Marwari Agarwal Mahasabha,
152
All-India Muslim Women’s Conference,
248
Alter, Joseph, 193
Ambedkar, B. R., 100–1, 103
Aminabai, 270–73
Ananga Ranga, 172–74, 186
Anderson, Benedict, 10–11
Anderson, Michael R., 260, 272
Angelides, Steven, 63–64
Anglo-Muhammadan law, 86, 231, 259,
260, 261
anticolonial nationalism, 3, 9
inner domain and, 11
opposition to CMRA and, 237–44
shariat and, 252
Appadurai, Arjun, 89, 227
Ariès, Philippe, 4
Arya Press, 216
Arya Samajis (reformist Hindus), 7, 9,
153–54, 215–16. See also Sarda, Har
Bilas
Gurukul section, 103
Asad, Talal, 27, 127, 259
autopsy reports, 33
autoptic child, 34–51, 59, 62–64, 71, 290
Ayasha, 215, 223, 224–25, 227
Ayurveda, 190–91
Ayyangar, M. S. Sesha, 166
Aziz Bano v. Mohammad Ibrahim Husain,
266–68
backwardness, 88, 227, 233, 240, 251,
281, 284
Badal Aurat and Amr. v. Queen-Empress,
257–59, 260–66, 268–70, 274,
278
Baines, Jervoise Athelstane, 91
Baksh, Malik Khuda, 252
Bakshi, Rai Bahadur Sohan Lal, 128
Balya Bibaha Birodhini Samiti (Society to
Prevent Child Marriages), 116
Banerjee, Gooroodas, 150
Bannerji, Himani, 63
Barbin, Abel, 32–34, 39
Bayly, Chris, 119
Begum Ferozuddin, Khadijah, 247–48
Belvi, D. V., 229
Bengal, 226
child protection laws, 83
medical debates on consent in,
39–41
Bengal Births and Deaths Registration
Act (1873), 91
Bengal Hindu Child-Marriage
Prevention Bill (1924), 149
Berlin Labor Conference, 57, 58
Bhagini Samaj (Women’s Society) of
Bombay, 101
Bharatiya Janata Party, 285
Bharatiya Muslim Mahila Andolan
(BMMA), 286–87
Bhargava, Thakurdas, 156, 223
Bhondar v. Emperor, 147
Bhore Committee, 76
bigamy, 257, 262
biopolitics of population, 78, 89
Birch, E. A., 43
Birla, Ritu, 153
birth control campaigns, 76, 168, 198
Index

birth registration, 18, 106
errors in, 90–96, 108
inaccuracies in, 13
as proof of age, 116–20
Blackburn and District Chamber of Commerce, 57
blasphemy, law on, 217
Blum, Binyamin, 91, 109
bodily/biological maturity, 15. See also puberty
age of marriage and, 41–44
biomedical signs of, 38–51
legal capacity and, 53
temporality of, 174, 206–7
Bombay, 131, 156
child protection laws, 83
Bombay Birth Control League, 76
Bombay Catholic Welfare Organization, 134
Bombay Parsi Central Organization, 134
Bombay riots (1992–93), 285
Bose, Jugobundo, 44
boy protection, 123–65
in colonial courtrooms, 138–48
boys. See also age of consent; age of marriage
global/Hindu sexology and, 166
masturbation and, 191–94
minimum age of marriage and, 7, 136, 149
brahmacharya (celibate studentship), 150–51, 154, 163, 164, 165, 177, 190–97, 200, 206, 208, 219
Brahmanas, 97, 181, 209
Brahmanism, critique of, 100–1
Brahmins, 150, 167
Brahmo Marriage Act (1872), 41
Brahmo Samaj (social reformist organization), 39, 154
Brahmos, 118
Brewer, Holly, 68
British sexology, 166
Brown, Wendy, 60
Buckmaster, Lord, 81
Buddhist Marriage and Divorce Bill, 101
Burton, Richard, 172, 188
Butler, Judith, 38
Calcutta Literary Society, 230
Calcutta Medical College, 38–39
Calcutta Medical Society, 41–44
calendars, 15, 173–74
capitalism, time and, 15–18, 185
Carpenter, Edward, 195, 207
Carroll, Lucy, 259
case law, 260, 265, 271, 274
cell/conjugal family, 80–81, 84–85
census, 73, 74
1911, 72
1921, 72, 77, 94
1931, 22, 232
2001, 21
on child marriage, 76–78, 227
communal representation and, 227
creation of colonial subjects in, 89–96
errors in, 72
feats of demographic decline and, 221
legal personhood and, 119–20
creation of political minorities and majorities in, 227, 232
Central Provinces, 83, 116, 242–43
Chakrabarty, Dipesh, 22–23, 65–66, 258
Chamber of Princes, 83
Chamupati, Pundit, 215, 225
Chatapur, 133
Chatterjee, J. C., 86
Chatterjee, Partha, 11, 22
Chattopadhyaya, Kamaladevi, 103
Chevers, Norman, 40
child. See also autoptic child; childhood
juridical construction of, 26, 70, 75, 84, 88, 119–20
as moral category in politics, 82–83
naturalization of, 33–35, 61–71
standardization of time and, 27
child labor, 56–59, 111
child marriage, 1–6. See also age of marriage; marriage adolescence and, 191
age of majority and, 56
contemporary debates on, 283–92
eugenics and, 171
Hindu sexology and, 178
incidence of, 20–21, 72, 75, 105, 228, 238
Muslims and, 215–27
reproductive temporality and, 178–84
Vedic past and, 208
child marriage legislation. See also Child Marriage Restraint Act (CMRA, 1929); Hindu Child Marriage Bill (1927)
penalties on marital sex, 128–33
provincial bills, 149–65
uniformity in, 157
as unnatural, 166
Child Marriage Restraint Act (CMRA, 1929), 7–12
on age differences, 155–56
boy protection and, 136–38
child/adult binary in, 191
compliance in princely states, 161
definition of “child,” 12, 27, 104
demonstrations against, 236–44
digits of age and, 73
exclusions and, 209
extensions of, 149
as failure, 20–21, 22, 74, 105–6
Hindu orthodox opposition to, 153, 167
historical transitions and, 10
humanitarianism and, 251
legislative debates on, 74
minimum age of marriage in, 197
minor, definition of, 12
Muslim opposition and exemption, 217, 228–36, 245–56, 260, 276, 278–81
national consensus on, 218
passage of, 73, 187
patriarchal control and, 162–65
in postcolonial countries, 22
in princely states, 157
proposed amendments to, 278–81
recording of age and, 18
repeal of, 21
secularization and, 228–36, 253
as success, 21
child protection, 5–7, 62, 76, 217
age-stratified logic of, 125
humanitarian logic of, 57, 73, 162–63
national development and, 81–89, 120
population growth and, 76–78
child trafficking, 290–92
child widowhood, 7, 155–57
abandonment and, 98
prevention of, 161, 279
statistics on, 72
wide age differences in marriage and, 225
childhood. See also liberal political theory as future, 73
globalization of, 4, 74–89
liberal political theory and, 68–71
limits of, 95
modern discourses of sexuality and, 6–7
as moral category in politics, 2–6
moral understandings of, 143
normal development, 9
sexological definitions of, 187–89
as social and cultural construct, 4
specific age limits of, 74
universal, 85–89
Children’s Protection Bill (1927), 85, 126, 128–39, 143
Christianity, 118
Churchill, Winston, 85
Civil Disobedience Movement, 240–44
CMRA. See Child Marriage Restraint Act (CMRA, 1929)
Code Napoléon, 150
Cohen, Lawrence, 14
colonial governmentality, 74, 95
Indian nationalism and, 236–44
Islamic law and, 230, 236, 260
colonial law
chronological age and, 17
Muslim law and, 246, 262
proofs of age and, 52
religious/personal law and, 55–56
colonialism
metaphorical childhood and, 3–4
time and, 16–20
Committee for the Prevention of the Traffic in Women and Children, 83
Committee for the Status of Women, 104
Committee on Child Welfare (CWC), 79–83, 86–88
communalism, 217, 254–55
companionate marriages, 102–3
conjugal rights, 130–33, 137
consent. See also age of consent
European genealogy, 64–66
feminist scholarship on, 35
gender and, 128–38
in liberal political theory, 60
limits of, 63–64
marriage and, 47, 275, 288
of parents, 151
provincial and juridical roots of, 27
Constitution of India, 284
contract theory, 68
contracts, age of majority and, 53
Court of Wards, 53
Cousins, Margaret, 102
cow slaughter, 280
Criminal Law Amendment Act (1885), 40, 42
criminal responsibility. See age of criminal responsibility
critical race theory, 69
Cunningham, H. S., 56
customary law, 245–56
Dadaji Bhikaji v. Rukhmabai, 257
Daoodi, Muhammad Shafee, 229, 235
Index

Dard, A. R., 233–34
Darwin, Charles, 181
Das, Kaviraj Harnam, 207
Sachitra Vivahit Anand [Illustrated Married Bliss], 185–90
demography, 221–22, 232, 255
derrida, Jacques, 176
development. See also adolescence and, 65, 70
arrested, 202
national, 2, 9, 81–89, 120
trope of normal, 7, 23, 67, 75, 79, 81,
127, 187, 209, 287
Western notions of, 11
Devi, Yashoda, 207
Arogya Vidhan: Vidyarthi Jivan, 190–95
Deviyi, Faisal, 235
dharma, 176, 193
disccretion. See age of discretion
Dissolution of Muslim Marriages Act
(1939), 264–65
“A Dying Race” (Mukerji), 221–22

Edelman, Lee, 73
Egypt, 236, 259
Ellis, Havelock, 154, 166–68, 171, 174,
181, 187, 207, 220
Emperor v. Asadali alias Tunu, 141
Emperor v. Motha, 145–46
England
age of majority, 53
minimum age of marriage, 42, 96
English case law, 271, 274
English common law
age of majority, 151
age-based distinctions, 14
minimum age of marriage, 81–82
English rape law, 129
enumerated communities, 227, 232
epistemic contract on age. See age,
epistemic contract on
erotic manuals, Indian, 172–83, 190. See also global/Hindu sexology
global circulation of, 171
timing of sex and, 185–89
Esmeir, Samera, 67
eugenics, 100, 135, 168, 190
child marriage and, 171, 178
racial degradation and, 210
Vagbhatta on, 164
Evans, G. H. P., 51
Evidence Act, 249, 251, 272
exclusions
age-based, 68, 69–70
foundational to Hindu sexology, 209,
211, 220
gender-based, 248
liberal forms of, 68, 69

Fabian, Johannes, 16
Factories Act (1881), 57–59
Factories Act (1890), 59
Factory Act (Britain, 1833), 111
Fahmy, Khaleed, 120
failure, 22–23, 74, 129
family. See also cell/conjugal family;
guardianship; joint family; parental
authority
colonial regulation of, 55–56
as economic unit, 55
European understandings of, 80–81
standardization of time and, 17
Fassin, Didier, 4
Pathva-r-Alamgiri, 273, 275
female infanticide, 10
female sexuality, 124, 135, 168, 172,
186–89
feminist analysis
critique of, 23, 35, 59–71
Islamic, 286–87
Forbes, Geraldine, 86
forced sex, 31, 36–37, 61, 72, 78, 106,
111–15. See also rape; unlawful
intercourse
forensics, 109, 116–17, 134. See also age,
evidence of
Foucault, Michel, 6, 18, 33, 78, 80, 175,
191, 197
Freccero, Carla, 67
French territories in India, 20, 82
Freud, Sigmund, 201
frontier provinces. See also North West
Frontier Provinces
anticolonial demonstrations, 237–44

Galton, Francis, 181
Gandhi, Mohandas, 9, 217, 236, 240, 241
Garg, S. P., 283
Geddes, Patrick, 154
gender inequality, 60, 198
critiques of, 208
cultural relativism and, 256
gender justice, 253, 281, 283–92. See also
social justice; women's rights
Islam and, 262
liberal norms and, 62
option of puberty and, 270
women's organizations and, 102
girl protection, 128–38. See also age of consent; age of marriage; age of marriage, minimum; child widowhood; forced sex; rape of consent laws and, 147 humanitarian discourse on, 127, 155 minimum age of marriage, 7, 149 violated bodies and, 31–32, 36–37, 61, 72, 78, 131–32, 146–47
global biopolitics, 73, 74–89
Goodeve, Dr., 39
Gour, Hari Singh, 85, 126, 128–39, 143, 154, 168
Great Britain. See also British Empire
age of consent, 40, 128
age of marriage, 128
census records, 91
minimum age of marriage, 81–82
grihastha (householder), 46, 189, 193, 197, 219
Guardians and Wards Act, 137
guardianship, 97–99, 107, 137, 266–70, 276. See also parental authority
Gujarati Hindu Stree Mandal, 102
Gupta, B., 42–43
Gupta, Modoo Soodon, 39–40
Halberstam, Judith, 17, 23, 169–70, 191
Hale, Matthew, 140
Hall, G. Stanley, Adolescence, 194
Hanafis, 45, 229, 263, 266–67, 275, 278
Hanifa, Abu, 269
Hare, Mathura Prasad Shiv, 222
Harvey, David, 17
Hastings, Warren, 55
Haye, Abdul, 229, 247–48
health. See public health
A Heartrending Picture of Child Marriage (Varma), 123–24, 133, 153, 164–65
heteronormativity, 73
High Court appeals
age determination and, 110–17
age of marriage and, 135
option of puberty and, 258, 261, 266, 276–77
rape cases, 139–48
on Shumaila’s case, 283–89
on texts targeting Muslims, 216
Hindi press, 229
Hindu Child Marriage Bill (1927), 7, 73
customary law and, 251
goals of, 74
Hindu law and, 209
minimum ages of marriage, 96–104
Muslims and, 230
transformed into CMRA, 86, 126
Hindu Child Marriage Prevention Bill (1924), 152–53
Hindu Code Bills (1955), 148, 264
Hindu law
age of majority, 52–59
age of marriage, 96, 149–63, 165
modern science and, 206
option of puberty and, 104
proscription on pre-pubertal consummation, 44
use of term, 148
women’s rights and, 199
Hindu liberalism, 206–11. See also liberalism as conduct of conduct, 59, 165, 176
Hindu life cycle, 14, 46–48, 165, 177–78, 190, 193–94, 205, 219
Hindu Mahasabha, 9
Hindu Marriage Act (1955), 104, 257
Hindu Marriage Disparity of Age Act, 223
Hindu reformism as liberal universalism, 11, 205–11
Hindu right-wing nationalism, 61, 62, 219, 284–86
Hindu sexology. See global/Hindu sexology
Hindu Widows Remarriage Act of 1856, 98
Hindus
higher-caste, 134, 151
orthodox, 9, 103, 153, 166, 167, 197
twice-born castes, 167
Hirschfeld, Magnus, 175
historicism, 23
homosexuality, 201–2
human capacity age as measure of, 19–20, 26, 66, 69–71 age-stratified understanding of, 206 secular concept of, 253
human rights, 65, 248, 292. See also rights; women’s rights
Index

humanitarian sentiment, 85, 207, 228, 244, 251, 256
Hussin, Iza, 260

Imam Muhammad, 269, 276
Imperial Act VI of 1886, 118
India Home Rule League of America, 176
Indian National Congress (INC), 9, 240–44
Indian Penal Code (IPC), 128, 131, 140, 216
age of consent in, 63
age-stratified distinctions, 14
on bigamy, 257
Islamic law and, 260
Section 376, 143

Indian Standard Time, 15
Indian states. See princely states, child
marriage legislation in

individualism, 65
Indo-Aryan Press, 176

Infant Marriages Prevention Regulation (1894), 157

infant mortality, 77
infanticide, 140
inheritance
of property, 155
wives and, 98

innocence, 4, 6, 62, 138, 141
Institute of Sexual Science (Berlin), 175
International Labour Organization, 79
international laws, 162
international organizations, 73. See also
League of Nations
Ishwarsingi, Nawab Naharsingi, 279
Islamic jurisprudence, 45, 104, 230, 265, 270–74
Iyer, Subramania, 271

Jabbar, Mouli Abdul, 45
Jagose, Annamarie, 17
Jains, 101
Jajodia, Rang Lal, 152–53
Jamiatul Ulama Hind (JUH), 241, 251
Jinarajadasa, Dorothy, 102
Jinnah, Mohammad Ali, 228, 252
joint family, 98, 153–55, 162, 165
Jones, Kenneth, 90
Joygun Nessa Bibi v. Mahammad Ali
Biswas (1937), 274–76
juridical humanity, 66, 69

kaam (sex or work), 206–11
Kamasutra, 172–75, 186

Keral High Court, 288
Key, Ellen, 166–67, 168
Khadijah, 223
Khartan, Devi Prasad, 149–53, 162, 164
Khan, Khan Abdul Qhaﬀar, 241
Khan, Khan Bahadur Muhammad Ali, 46
Khan, Khan Habibullah, 245–48
Khan, Muhammad Yamin, 163
Khalifat Movement, 9
Khilchipur State Law (1932), 156
Kifayatulla, Sd. Mohammed, 241
Kincaid, James R., 6
Kokashastra, 190
Kolsky, Elizabeth, 140
Kraft-Ebing, Richard von, 220
Krishnamachari, Rai Bahadur V., 48, 49
Krishnamacharya, U. P., 154

Krsishnan, J., “Sex-Education for
Children in India,” 195–97
Kugle, Scott Alan, 259, 270

labor, minimum age for, 35, 56–59, 111
Lail, Chaman, 96
Landsdowne, Lord, 36
law’s temporality
age and, 12, 35, 60, 66, 70–71, 103, 120
backwardness and, 255
colonial governmentality and, 74, 95
consent and, 63–64
European roots of, 80
feminist analysis and, 59, 61
Hindu reformism and, 165
Hindu sexuality and, 170, 206
League of Nations, 5, 9, 71, 73, 162. See also
Committee on Child Welfare
(CWC)

legal capacity
age as measure of, 26, 35, 66
age as proxy for, 15, 52
legal subjectivity
age as measure of, 19, 27
childhood and, 163
modes of accounting for, 70
Legislative Assembly, 2, 128, 277–80
Lesnik-Oberstein, Karin, 34, 60
Levine, Philip, 59, 147

liberal epistemology. See also age,
epipistemic contract on
critique of, 256
liberal political theory
childhood in, 67–71
on consent, 60
critique of, 261

© in this web service Cambridge University Press www.cambridge.org
Index

liberal political theory (cont.)
  gender exclusions of social contract in, 68
  of property, 55
  racial exclusions in, 69
  universal child and, 88
liberalism, 63, 234, 289. See also Hindu liberalism; personhood, liberal legal understandings of arguments about nature in, 67
  “conduct of conduct” in, 102, 165, 183
  social contract, 68–69
  life-cycle, government records on, 19, 91, 185. See also Hindu life cycle
Lockean pedagogy, 68
Lyon’s Medical Jurisprudence, 110–15, 144
Madras Chamber of Commerce, 57
Madras Neo-Malthusian League, 76
Maharaja of Kapurthala, 88
Maharaja of Vizianagaram, 52–55
Mohommedan Law (Ali), 263
Maine, Henry, 120
Majority Act (1875), 15, 52–59, 97, 151, 251, 271–72
majority and majoritarian rule, 232–35, 284. See also minority and minoritization
Malabar, Behramji, 155
Malaviya, Madan Mohan, 231
Malikis, 267, 275
Malla, Kalyana, Rairahasya, 173
Manchester Chamber of Commerce, 57
Mantegazza, Paolo, 174
Manu, 46, 54, 150, 181, 193, 194
Manusmriti, 47
marriage. See also age of marriage; child marriage; widow remarriage
  annulment of underage, 97–99, 163, 275
  consent and, 47, 275, 288
  as contract between individuals, 97–98, 103
  dissolution of, 104
  Hindu religious duties and, 46–48, 129
  marriage advice, 173–74. See also erotic manuals, Indian
Marriage Age Limit Bill (Central Provinces), 157
Marriage Hygiene, 198, 223
Marriage Laws (Amendment) Act of 1976, 104
marriage registration, 90, 118
Marwari reformers, 153
masturbation, 190–94, 200–2
Mawani, Renisa, 70
Mayo, Katherine, 21, 85, 215, 225
Mother India, 1–6, 7–8, 82
Volume II, 13, 95, 225–26, 238
McLeod, Kenneth, 38, 41–42, 44
Mehta, Hansa, 101
Mehta, Uday Singh, 3
menstruation
  biological capacity and, 39–44, 47, 167
  ritual significance of, 47–48
Mills, J. S., 3
Mills, Charles, 19, 69
Minault, Gail, 246, 252
minor, construction of, 218. See also age of majority
  minority and minoritization, 20, 218, 227–36, 255–56, 280–81. See also majoritarian rule
misogyny, 135, 140, 148, 185
Misra, Gokaran Nath, 104
Mitchell, D. G., 138–39
Mitter, Romesh Chunder, 48
modernization, 195, 216
marital, 84, 217–18
national, 10–12, 65
sexual, 6–7, 197, 206–9
Muhammadan law, 45
  proscription on pre-pubertal consummation, 44
  Muhammadan Literary Society (Calcutta), 54
Mukerji, U. N., 221–22
Mukherjea, B. K., 276
Mulla, Dinshah Fardunji, 278
Hindu Law, 97, 107
  municipal councils, 118
Musammat Bismillah Begam v. Nur Mohammad, 269
Muslim law, 218. See also option of puberty
  age of majority, 52–54
  age of marriage, 44, 99, 120, 161, 230–33, 238–39, 250
Muslim Law (Tyabji), 283
Muslim League, 252–53
Muslim Personal Law, 245
  child marriages and, 229
  Hindu political majority and, 243–44
Muslim Personal Law (Shariat) Application Act (1937), 25, 228, 252–55, 260, 276, 284
Muslim Succession Bill, 247–48
Muslim Women’s Rights Association, 247
Index

Muslims
as abject others, 27, 207, 218–27
communal propaganda against, 215–26
exemption from CMRA, 25
marriage registration, 118
minoritization of, 227–36, 255, 280–81
perceived as backwards, 253–56
Mu‘tazilas, 261, 266

Nanavati (Parsi lawyer), 130, 137
Nandy, Ashis, 4
Nanku and Others v. Emperor, 107–8
Nath, Diwan Narindra, 49
National Social Conference, 63
nationalism, 2–3, 7–11, 26, 176–77, 195, 254, 258. See also anticolonial nationalism
naturalization, 66
of age, 16, 52, 170, 292
of child, 33–35, 61–71
of time, 10–12, 17, 20, 66
Naujawan-i-Sarhad (Frontier Youth), 237
Nehru, Jawaharlal, 253–55
Nehru, Motilal, 85
Newbigin, Eleanor, 155
Nicholson, F. C., 40
Nightingale, Florence, 204
Noble, Margaret, 204
normativity, 17, 20, 66, 73, 90. See also sexual norms
North West Frontier Province Muslim Personal Law (Shariat) Application Act (Act VI of 1935), 218, 245–55
North West Frontier Provinces, 236–44, 249
numbers, government and, 75–76, 89–90

Ogle, Vanessa, 16
Old Men’s Marriage with Young Girls Restraint Bill (1930), 156, 223
option of puberty, 250, 259–66. See also puberty
age of discretion and, 274–76
consummation of marriage, 263, 270–71
gender justice and, 281–82
 guardianship rules and, 266–70
Hindu law and, 104
personal minority and, 270–74
orientalism, 172–73
Osella, Caroline, 246
Osella, Filippo, 246

otherwise, 2, 27, 207, 218–27
Ottoman Empire, end of, 9
Pakistan, 22, 237. See also North West Frontier Provinces
parental authority, 63, 107, 137, 151–55, 163, 266–76. See also guardianship emancipation from, 163
option of puberty and, 266–70
Parsis, 118
Paśhtuns (Pathans), 237–44
Paterman, Carole, 60, 68
patriarchal practices, 63, 133, 149–65,
204–6
pedophiles, 62
personhood
Hindu understandings of, 45–51, 149
liberal legal understandings of, 32–33,
64, 69, 74–75, 119–20, 154, 256,
280–81, 284
Muslim understandings of, 45–46, 51,
280–82
pervasive power, 18
Peshawar, 236–42
Peshawar Congress Committee, 239
Phadke, N. S., 77
Sex Problem in India, 168, 171, 178–83
Pillay, A. P., 170, 207, 223
Sex Knowledge for Girls and Adolescents, 198–206
Plan for the Administration of Justice (1772), 55
political modernity. See modernization, national
political representation, 234–36. See also majority and majoritarian rule; minority and minoritization
polygamy, 216, 257
opposition to, 248
sexological discourse on, 220–21
population growth
child protection and, 76–78
global, 79
international governance and, 73
postcolonial criticism, 289
on European genealogy of political concepts, 62, 65
on homogenous time, 23
on knowledge collection, 90
Powell, Arthur, 110, 111
Prakash, Gyan, 176
Prarthana Samaj, 98, 134
Prevention of Dedication Bill, 84
Prevention of Infant Marriage Act, 156
Index

princely states, child marriage legislation in, 83, 156–58
Baroda, 96, 157–58
Bharatpur, 96, 161
Gwalior, 156
Indore, 158
Jhalawar, 158, 161
Kotah, 96, 157
Mysore, 96, 157
Sailana, 157
Tezri, 157

Principles and Precedents of Islamic Law (Macnaughten), 266
Principles of Mahomedan Law (Mulla), 278, 283
Principles of Muhammadan Law (Tyabji), 271
progress, 11, 169

Prohibition of Child Marriage Act (PCMA, 2006), 21, 284, 286

property
control over, 162
inheritance of, 155
liberal theory of, 55
women’s inheritance of, 246
prostitutes, 84, 174

puberty. See also adolescence; option of puberty
as boundary between childhood and adulthood, 13, 86
as chronological age of twelve, 37–51
evidence of, 272–73
in Islamic jurisprudence, 120
majority and, 272
marriage and, 99, 262
Muslim law on, 286
sex education on, 200
sexual maturity and, 167
public health, 149, 152, 192

punishments
based on age, 134, 137
fines, 108, 158
protection of boys from, 130–38, 163
Punjab, 215, 226, 249, 252
Punjab States Agency, 20
Purves, H. B., 40

Qaiyum, Abdul, 252
Qazis, 118, 264
queer theory, 17
of age stratification, 64
on childhood, 60
on homogenous time, 23, 289

Rai, Lala Lajpat, 130
Rajpal, 216–17, 228
Rangila Rasul (1927), 215–26
Rangila Rasul (1972), 255
Rani Sahiba Amrit Kaur, 103
rape. See also forced sex; unlawful intercourse
definitions of, 135
false charges of, 140–43
marital, 131–32, 163
statutory, 113, 128
rape cases, 106–8, 111–15, 116–17, 131–32
boy protection and, 126, 138–48
proof of character in, 140–43
prosecution of, 21, 74, 106–20
Rathbone, Eleanor, 20, 22, 77–78, 105–6, 108, 120, 226, 255
Ratirahasya, 186
reading sideways, 23–25, 35, 60, 65, 68, 217, 259–60, 281, 289
Reddi, Muthulakshmi, 84
registration of births. See birth registration
Reiman, Nadia, 290–91
religion, 55. See also Hindu law;
Islamic jurisprudence
religious minorities, 255. See also
minority and minoritization
reproductive futurism, 73
reproductive temporality, 104, 169–70
age differences in marriage and, 224
as “ancient” Hindu value, 170
Hindu sexology and, 177–78
homosexuality and, 202
masturbation and, 192–94
Muslim law and, 251, 255
racialized others and, 207–11
secular reform and, 255
as universal, 174
rights. See also human rights; women’s rights
census data and, 119–20
European genealogy, 62, 64–66
gender, religion and caste identity, 162–63
rule of law and, 27
Robertson, John, 39
Roman law, 14, 150
Rose, Nicholas, 18
Rubin, Gayle, 125
Rukhmabai, 257, 265
Sadar Ali Karikar v. Sreemati Abeda Bibi and Ors (1928), 268–70

© in this web service Cambridge University Press
www.cambridge.org
Index

saffron demography, 221
same-sex desire, 201–2
Sanatanis (orthodox Hindus), 9, 103, 153
Sanger, Margaret, 168
Sankariah, A., 46–48
Sarda, Har Bilas
on age disparities in marriage, 155
on child widows, 72, 155
goals of, 7–9, 74–75
Hindu sexology and, 210
Hindu Superiority, 210–11
on minimum ages of marriage,
96–105
Sarda Act. See Child Marriage Restraint
Act (CMRA, 1929)
Sarkar, Tanika, 60–62
sati, 10, 60, 140
Schmidt, Richard, 173
science, 168–69, 207. See also global/
Hindu sexology
Scoble, Andrew, 32, 36–51, 56–57
secularism, 284, 289
secularization, 169
Muslim law and, 259–60
opposition to CMRA and,
253–56
Self and Sex (Stall), 186
self-control, 200
Self-Respect Movement, 199
Sen, Boyle Chunder, 41–42
Sen, Keshub Chunder, 39
Sen, Satadru, 4
separate spheres, 125
sex/age system, 148
defined, 125–26
Hindu ethics and, 149
sexology. See global/Hindu sexology
sexual hygiene, 176, 190
sexual maturity. See bodily/biological
maturity; puberty
sexual norms, 84, 135. See also
normativity
child as axis of, 2
child marriage and, 1, 166
childhood and, 34
laws and, 15
naturalization of time and, 10–12, 17,
20, 66
sexuality
as instinct, 203–4
modern discourse on, 197
precocious, 5–6, 130, 139, 142, 168,
191
social construction of, 32–34
Shah Nawaz, Mian Mohammad, 228
shariat
CMRA and, 243
equated with Muslim personal law,
245, 260
as flexible system, 230
legislature and, 235
secularization of, 259–66
transformation of, 273–74
Shastri, Keshava Deva, Hindu Sexology in
Spiritual Development, 176–78
shastric discourse, 103, 149–50,
162, 164
Shia law, 45, 263
Shia-Sunni marriages, 266–68
Shiv Sena, 285
Sholapur Eugenics Education Society,
76, 198
Shumaila’s case, 283–86
Sindh CMRA, 22
Sing, Surput, 167
Singh, Raja Raghunandan Prasad, 167
Sinha, Ganganand, 231
Sinha, Miranali, 2, 63, 129
Sloan, Tennant, 248
Smriti, 181
social justice, 65. See also gender justice
social reform, 39, 117, 154, 162, 245,
258, 280
Special Marriage Act (1872), 39
Spencer, Herbert, 181
Stall, Sylvanus, 186
Stepan, Nancy, 67
Stephen, James Fitzjames, 249
Stockton, Katherine Bond, 23–24
Stopes, Marie, 171, 186, 187, 207
Sturman, Rachel, 63
success, 23, 74, 129
Succession Act (1865), 53
Suhrawardy, Abdalla-al-Mamum, 236,
278–80
Suhrawardy, Huseyn Shaheed, 269
Suhrawardy, Zahid, 269–70, 278
Sulaiman, Justice, 268
Sumat Bi, G., 208
Towards Womanhood, 198–206
Woman Awakened, 199, 208–9
Sunni law, 263, 266
Sunnis, 266–68, 275
Surendra Nath Das v. Emperor (1933),
141–43, 147
Sushruta, 281, 207
Tahra Begun v. State of Delhi, 283–89
Tambe, Ashwini, 63, 128
Index

Teixeira, A. M., 101
Thackeray, Bal, 285
Thompson, E. P., 16

**Time**
- capitalism and, 15–18, 185
- clock time, 16–18, 185–87
- homogeneous, empty, 10–11, 14, 20, 23, 66, 169, 189, 207, 287
- as linear, 17
- of national history and secular body, 172
- secularization and, 169
- transition narratives, 23
- truth
  - age and, 27
  - autopsy reports as technologies of, 33
  - biomedical, 32–33, 52, 71, 169
  - knowledge and, 18
- Turkey, 236
- Tyabji, Faiz Badruddin, 266, 270–74

UN Population Division, 21
Uniform Civil Code (UCC), 231, 282–86
uniformity, 52–59, 157, 286
United Provinces, 84, 111, 132, 235
United States, 186, 290–92
universal childhood, 85–89
universal humanity, 236
unlawful intercourse, 128, 130, 133–34.
  See also forced sex; rape
Unlawful Old Age Marriage Restraint Act, 157
Urdu press, 229

vaccination records, 117
Vagbhatta, 164, 181
varnas, 176
varnashrama dharma, 176
Vatsyayana, 172, 207
Vedic antiquity, exclusions of, 207
Vedic ethics, Brahma reform and, 39
Vedic injunctions
  - on brahmacharya, 164, 193
  - Hindu sexology and, 185, 210
  - social reform as grounded in, 26, 97, 165
  - as universals, 181

Vidyasagar, Ishwar Chandra, 48, 155
violation against child wives, 61. See also forced sex; rape
violation against Muslims, 285
viva raksha (semen preservation), 191, 200
vulnerability, 4, 141, 207

Wahid Ali v. Emperor (1931), 139–41
Wajihuddin, Khan Bahadur Haji, 229, 235, 257, 278–81
Webb, Allan, 39–40
widow remarriage, 98, 157. See also child widowhood; marriage legalization of, 10, 60
Willey, Angela, 220
Windsor, Edward, 188
*Cultural and Anthropological Studies in the Hindu Art of Love*, 173–74
women. See also girl protection; widow remarriage
  - brahmacharya and, 197
  - uplift of, 74

Women's Indian Association, 102–3, 199
women's organizations
  - birth control campaigns, 77
  - on invalidation of underage marriages, 98
  - on minimum ages of marriage, 101–4
  - women's rights, 10, 60–61, 155, 162, 206, 208, 256. See also human rights; gender justice; rights
  - franchise campaign, 77
  - Hindu right and, 284
  - Muslim law and, 245–56, 265
  - Muslim women and, 258

Xiong, Yong, 290–92
Yakub, Maulvi Muhammad, 231–33, 235
Zeyneb, 223

© in this web service Cambridge University Press www.cambridge.org